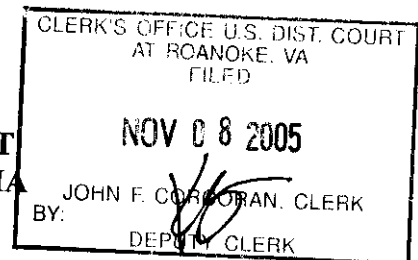


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



CHARLES WALTER FRANK III,
Petitioner,

v.

LORETTA KELLY,
Respondent.

Civil Action No. 7:05-cv-00676

FINAL ORDER

By: Hon. James C. Turk
Senior United States District Judge

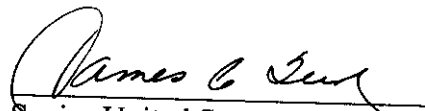
In accordance with the written memorandum opinion entered this day, it is hereby

ADJUDGED AND ORDERED

that the above referenced petition for writ of habeas corpus, pursuant to 28 U.S.C. §2241, shall be and hereby is **DISMISSED** without prejudice for failure to exhaust state court remedies and is stricken from the active docket of the court.

The Clerk is directed to send a certified copy of this final order and the accompanying memorandum opinion to the petitioner.

ENTER: This 8th day of November, 2005.


Senior United States District Judge